

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**RICHARD KLEIN,**

**Petitioner,**

**Case No. C-1-01-794**

**v.**

**Judge Beckwith**

**HAROLD CARTER, WARDEN,**

**Magistrate Judge Black**

**Respondent.**

**RESPONDENT'S MEMORANDUM OPPOSING PETITIONER'S MOTION TO  
STRIKE**

On March 15, 2005, Petitioner filed a motion to strike one of Respondent's exhibits. He claims that the exhibit is not complete because exhibits were supposed to be attached to that exhibit. Petitioner also claims that he has filed the complete exhibit with the missing exhibits attached.

Petitioner's motion to strike should be overruled. Respondent filed the exhibits as they were received from the state court. If, in fact, part of the document was missing, Petitioner has filed whatever document he claims was missing, and this Court is therefore able to consider it and give it whatever weight the Court deems appropriate. The motion to strike should be overruled.

Respectfully submitted,

Jim Petro  
Ohio Attorney General

S/Diane Mallory  
Diane Mallory (0014867)  
Assistant Attorney General  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was mailed by regular, first-class mail to Richard Klein, #350-022, Ross Correctional Institution, P. O. Box 7010, Chillicothe, Ohio 45601, on the 17th day of March, 2005.

S/Diane Mallory